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7 Attorneys for Plaintiff
VERIGY US, INC.

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 VERIGY US, INC, a Delaware Corporation

13 Plaintiff,

14 vs.

15 ROMI OMAR MAYDER, an individual,
WESLEY MAYDER, an individual, SILICON
16 TEST SYSTEMS, INC., a California Corporation,
and SILICON TEST SOLUTIONS, LLC, a
17 California Limited Liability Corporation,
inclusive,

18 Defendants.
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Case No. C07-04330 RMW (HRL)

**DECLARATION OF IRA LEVENTHAL
IN SUPPORT OF PLAINTIFF'S REPLY
AND SUPPLEMENTAL BRIEF RE
ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

Date: December 14, 2007

Time: 9:00 a.m.

Place: Courtroom 6

Judge: Hon. Ronald M. Whyte

Complaint Filed: August 22, 2007

Trial Date: None Set

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23 **HIGHLY CONFIDENTIAL**
24 **ATTORNEYS EYES ONLY**
25 **DOCUMENT SUBMITTED UNDER SEAL**
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1 I, Ira Leventhal, declare as follows:

2 1. I am the Senior Research and Development Manager at Plaintiff Verigy US, Inc.
3 (Verigy). I have served in that role since June 2006. Verigy is a spin-off from Agilent
4 Technologies, Inc. ("Agilent") and successor-in-interest to certain of Agilent's intellectual
5 property. Agilent is a spin-off from Hewlett Packard Company ("HP") and successor-in-interest
6 to certain of HP's intellectual property. Prior to the spin off of Verigy from Agilent in June 2006,
7 I served in the position of Research and Development Integrating Manager at Agilent for
8 approximately six years. Except for matters asserted on information and belief, which I am
9 informed and believe to be true, I make this declaration of my personal knowledge and, if called as
10 a witness, I could and would testify competently to the facts set forth herein.

11 2. I have reviewed the Silicon Test Systems data sheet for the "Flash Enhancer –
12 [REDACTED] Attached hereto as
13 Exhibit 1 is a true and correct copy of the Flash Enhancer data sheet I reviewed. I have not
14 reviewed any other documents produced by Defendants due to their confidentiality designations. I
15 find the device described in the data sheet to be strikingly similar to the product that was being
16 developed by Verigy in the [REDACTED] program. The similarities between the two devices include but
17 are not limited to the following:

- 18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 3. I have reviewed the invention disclosures and patent applications that Romi
9 Mayder authored while at Verigy and find numerous similarities between these
10 disclosures/applications and the device described in the Silicon Test Systems Flash Enhancer data
11 sheet. These similarities include but are not limited to the following:

12 • [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 Although [REDACTED], this
21 distinction is not a significant one because [REDACTED] can be exchanged for another
22 that provides the necessary specifications without affecting the innovations that are described in
23 the disclosures/applications. This is exactly what happened in the [REDACTED] project, where the
24 [REDACTED] that were a
25 better fit to the application requirements.

26 4. During the course of our product development at Verigy, there have been numerous
27 internal documents created which were not marked confidential because they were never intended
28 for external distribution. It is and has always been common knowledge among our employees that

1 these documents contain confidential information that is not to be disclosed or distributed outside
2 of the company. Documents that are meant for external distribution are created with standard
3 templates for Microsoft Word or Powerpoint that contain confidentiality statements in the header
4 or footer of each page. It is standard practice to use these embedded confidentiality statements as
5 opposed to including the statements in the body of the text or slide. As such, internal "working
6 documents" would often not include confidentiality statements until the information was
7 transferred to one of the template formats for potential external distribution. It is my
8 understanding and experience that it is common practice in my group to treat documents as
9 confidential unless the documents are intended for public distribution or public display.

10 5. [REDACTED]

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED] Both the
15 eRooms and the VPN require authentication and a password before allowing access.

16 6. The elements of the [REDACTED] project that are Verigy trade secrets include but are not
17 limited to the following:

- 18 [REDACTED]
- 19 [REDACTED]
- 20 [REDACTED]
- 21 [REDACTED]
- 22 [REDACTED]
- 23 [REDACTED]
- 24 [REDACTED]
- 25 [REDACTED]
- 26 [REDACTED]
- 27 [REDACTED]
- 28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 I declare under penalty of perjury under the laws of the United States that the foregoing is
25 true and correct.

26 Executed this ____ day of November, 2007 in Shanghai, China.

27 _____
28 Ira Leventhal

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 16 day of November, 2007 in Shanghai, China.


Ira Leventhal

EXHIBIT 1
TO LEVENTHAL DECLARATION

CONFIDENTIAL

EXHIBIT FILED UNDER
SEAL

EXHIBIT 2
TO LEVENTHAL DECLARATION

HIGHLY
CONFIDENTIAL -
ATTORNEYS EYES
ONLY

EXHIBIT FILED UNDER
SEAL